

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**SALT AND LIGHT ENERGY
EQUIPMENT, LLC,**

§
§
§
§

Plaintiff/Counter-Defendant,

Civil Action No.: 3:22-cv-00654-N

v.

**ORIGIN BANCORP, INC., DBA
ORIGIN BANK,**

§
§
§
§

Defendant/Counter-Plaintiff,

§
§
§
§

v.

**DENISE MUDIGERE and
SHAWN MUDIGERE,**

§
§
§
§

Counter-Defendants.

§

DEFENDANT'S APPENDIX IN SUPPORT OF THEIR REPLY BRIEF

Pursuant to Local Rules 7.1(i) and 7.2(e), Defendant/Counter-Plaintiff Origin Bancorp, Inc. d/b/a Origin Bank (“Origin”) files this Appendix in Support of their Reply Brief. Each page of this Appendix is numbered sequentially in the lower, right-hand corner.

Origin relies on the following in support of their Brief in addition to the filings and pleadings in this case.

Exhibit	Document	Pages
1	Declaration of Brad Robinson with Exhibit	APP 1-7

Dated: July 28, 2023

Respectfully submitted,

/s/ Brad J. Robinson

Mazin A. Sbaiti

Texas Bar No. 24058096

mas@sbaitilaw.com

Brad J. Robinson

Texas Bar No. 24058076

bjr@sbaitilaw.com

Griffin S. Rubin

Texas Bar No. 24121809

gsr@sbaitilaw.com

SBAITI & COMPANY PLLC

Dallas Arts Tower

2200 Ross Ave., Suite 4900W

Dallas, Texas 75201

T: (214) 432-2899

F: (214) 853-4367

Attorneys For Defendant Origin Bank

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SALT AND LIGHT ENERGY EQUIPMENT, LLC,

Plaintiff/Counter-Defendant,

V.

**ORIGIN BANCORP, INC., DBA
ORIGIN BANK,**

Defendant/Counter-Plaintiff,

V.

**DENISE MUDIGERE and
SHAWN MUDIGERE,**

Third-Party Defendants.

**DECLARATION OF BRAD J. ROBINSON IN SUPPORT OF REPLY IN SUPPORT OF
ORIGIN'S MOTION TO DE-DESIGNATE**

1. This Declaration is made in support of Defendant/Counter-Plaintiff Origin Bancorp, Inc. d/b/a Origin Bank’s (“Origin”)’s Reply to Origin’s Motion to De-Designate.

2. My name is Bradford John Robinson, and I am an attorney licensed in the State of Texas. I am admitted to practice in the United States District Court of the Eastern, Northern, Southern, and Western Districts of Texas, the United States Court of Appeals for the Fifth Circuit, and the United States Supreme Court. I am the Managing Partner at Sbaiti & Company PLLC and counsel for Origin in this proceeding. I am therefore personally familiar with all the legal services performed on behalf of Origin in this matter. All facts stated herein are within my personal knowledge and are true and correct. I am over twenty-one years of age and reside in the State of Texas. I have never been convicted of a felony or other crime of moral turpitude. I am fully



competent to make this Declaration.

3. Attached hereto are true and correct copies of billing entries related to this litigation incurred as a result of the SNLEE Defendant's improper designation of documents. These documents: (1) were made and kept in the ordinary course of a regularly conducted business activity; and (2) it was the regular practice of the business activity to make these records; (3) were made at or near the time of the event that they record; and (4) were made by a person, or from information transmitted by a person, with knowledge of the acts and events who was acting in the regular course of business. The contents and substance of these documents is incorporated herein by reference. The records attached hereto are the original or exact duplicates of the original. The billing entries totaling **\$17,457.50** have been billed or will be billed to the client. The billing entries attached as Exhibit A show all the specific tasks performed by attorneys and paralegal on this matter and the time devoted to each task.

4. In order to render my opinion, I have reviewed the Sbaiti & Company invoices reflecting the contemporaneous time records regularly made by our firm with regard to the case in which this affidavit is proffered. I have attached true and correct copies of the billing entries extracted from the legal invoices, as Exhibit "A," which are incorporated as if fully set forth herein. These records reflect the date of the tasks performed in connection with this case, the time required to perform the tasks, the identity of the attorney, paralegal or legal assistant performing the tasks and the billing rate of the person performing the tasks.

5. The entries marked "BJR" on the invoices refer to me. I am the Managing Partner. When Sbaiti & Company was first retained on this matter, my billing rate was \$550.00 per hour. As of January 1, 2023, my billing rate is \$650.00 per hour. I have been practicing in Dallas, Texas, for over 16 years. I have practiced in state and federal courts throughout Texas and across the

country. I formerly served as national counsel for General Motors and am admitted to practice before all the Courts in Texas and in front of the United States Supreme Court. I am familiar with and have litigated business, commercial, and other civil litigation under Texas law, and I am aware of the amount of legal work expended in prosecuting such matters. I am further aware of the fees commonly and customarily charged in Texas and in the Dallas/Collin County area for legal services rendered in connection with such litigation. A copy of my CV can be found at www.sbaitilaw.com.

6. The entries marked “MAS” on the invoices refer to Mazin A. Sbaiti. Mr. Sbaiti is the founder and managing partner of Sbaiti & Company, PLLC. When Sbaiti & Company was first retained on this matter, his billing rate was \$650.00 per hour. As of January 1, 2023, his billing rate is \$750.00 per hour. He has been practicing in Dallas, Texas, for over 19 years. He has practiced in state and federal courts throughout Texas and across the country. He is familiar with and has litigated business, commercial, and other civil litigation under Texas law, and he is aware of the amount of legal work expended in prosecuting such matters. He is further aware of the fees commonly and customarily charged in Texas and in the Dallas/Collin County area for legal services rendered in connection with such litigation. A copy of his CV can be found at www.sbaitilaw.com.

7. The entries marked “GSR” are Griffin Rubin, an associate in our office. When Mr. Rubin first began working for the firm on this case, his billing rate was \$300.00 per hour. As of January 1, 2023, his billing rate is \$400.00 per hour. Mr. Rubin is a former clerk of the Honorable Amos Mazzant in the Eastern District of Texas and works on litigation matters in Texas and throughout the country. Mr. Rubin is a graduate of Southern Methodist University–Dedman School of Law. A copy of his CV can be found at www.sbaitilaw.com.

8. The entries marked "RBM" are my paralegal Robin McCormack. Her billing rate is \$175.00 per hour. She is an experienced paralegal with over 19 years of experience in litigation and transactional legal areas. She received a Bachelor of Science from the University of Texas at Dallas in 2009 and an Associate of Applied Science in Paralegal Studies from Dallas College in 2019. Her responsibilities involve working on complex business litigation in state and federal courts across the country. She performed substantive legal work on this matter and did so under my supervision.

9. Reasonable and necessary attorneys' fees are generally determined by examining many factors, including the entire record in the case; the amount in controversy; the time and labor required; the novelty and difficulty of the questions involved, and the skill required to perform the legal services properly; the likelihood that the acceptance of the particular employment will preclude other employment by the lawyer; the fee customarily charged in the locality for similar legal services; the amount involved and the results obtained; the time limits imposed by the client or by the circumstances; the nature and length of the professional relationship with the client; the experience, reputation, and ability of the lawyer or lawyers performing the services; and whether the fee is fixed or contingent on results obtained or uncertainty of collection before the legal services have been rendered. I considered these factors when determining the reasonable and necessary attorneys' fees in connection with my work on this case and the work of the attorneys and/or paralegal assisting me.

10. I am familiar with the claims asserted, defenses, and work performed in this matter because I personally have performed and overseen all the work performed to date and will do so for all work in the future.

11. Origin retained my law firm and me to prosecute this matter.

12. As is discussed in detail in the attached bills, the necessary legal services provided by Mr. Sbaiti, Mr. Rubin, and myself that resulted in these legal fees include but were not limited to: (a) researching case law and applicable rules (b) communicating with opposing counsel (c) communicating with my client, (d) drafting pleadings, (e) drafting declarations and compiling evidence in support of the motion, (f) drafting proposed orders, (g) conferring with my team; (h) drafting discovery, (i) interviewing witnesses, (j) communicating with the Court, and (k) other various legal tasks.

13. Ms. McCormack performed substantive legal work, including: (a) drafting and revising pleadings; (b) reviewing documents; (c) performing legal research; (d) reviewing, gathering, and organizing exhibits, and (e) preparing, proofing, and filing the response and motion.

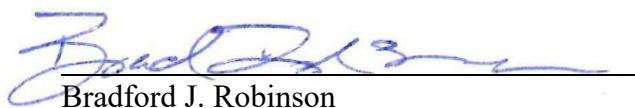
14. The tasks performed in this matter were reasonable. The rates charged for the legal work in this matter was reasonable. The time spent on the individual tasks was reasonable. After multiplying the time by the hourly rate, the overall fee is reasonable.

15. Based on the factors and facts set forth above and in the attached records, it is my opinion that the attorney's fees in the amount of **\$17,457.50** are reasonable and necessary in this action and are directly related to efforts to prevail on the Motion and recover any fees my client is owed.

16. On July 27, 2023, I personally attended a telephonic meet and confer with Mr. Bennett Hampilos, counsel for SNLEE regarding discovery issues and the Affidavit of Josh Hernandez. During that call, Mr. Hampilos admitted, and Origin learned for the first time, that SNLEE has never attempted to contact Mr. Hernandez to discuss this case, Plaintiff's allegations, Origin's Notice Letter, or the Recordings. By extension, this means that SNLEE never notified Mr. Hernandez of its intention to produce and rely on the Recordings and never asked whether he

wanted his identity concealed or wanted AEO protection. Mr. Hampilos further admitted that SNLEE never intended to call Mr. Hernandez as a witness and never intended to rely on his testimony to establish the veracity of their interpretation of the Recordings.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 28, 2023.



Bradford J. Robinson

Date	Hrs.	Rate	Total	Billed By
6/6/2023	0.3	\$ 650.00	\$ 195.00	Brad J. Robinson
6/20/2023	1.2	\$ 650.00	\$ 780.00	Brad J. Robinson
6/22/2023	4	\$ 400.00	\$ 1,600.00	Griffin S. Rubin
6/23/2023	5	\$ 650.00	\$ 3,250.00	Brad J. Robinson
6/23/2023	6.3	\$ 400.00	\$ 2,520.00	Griffin S. Rubin
6/23/2023	5.2	\$ 175.00	\$ 910.00	Robin B. McCormack
7/3/2023	2.9	\$ 650.00	\$ 1,885.00	Brad J. Robinson
7/16/2023	2.6	\$ 400.00	\$ 1,040.00	Griffin S. Rubin
7/17/2023	1	\$ 400.00	\$ 400.00	Griffin S. Rubin
7/18/2023	0.4	\$ 400.00	\$ 160.00	Griffin S. Rubin
7/18/2023	1.5	\$ 175.00	\$ 262.50	Robin B. McCormack
7/19/2023	0.2	\$ 400.00	\$ 80.00	Griffin S. Rubin
7/20/2023	0.5	\$ 650.00	\$ 325.00	Brad J. Robinson
7/21/2023	0.5	\$ 400.00	\$ 200.00	Griffin S. Rubin
7/28/2023	2.8	\$ 650.00	\$ 1,820.00	Brad J. Robinson
7/28/2023	4.2	\$ 400.00	\$ 1,680.00	Griffin S. Rubin
7/28/2023	2	\$ 175.00	\$ 350.00	Robin B. McCormack
TOTAL			\$ 17,457.50	

EXHIBIT

A

exhibitssticker.com